

AMENDED IN ASSEMBLY APRIL 12, 2005

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1623**

**Introduced by Assembly Member Klehs**

February 22, 2005

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An act to add Chapter 2.66 (commencing with Section 65089.20) to Division 1 of Title 7 of the Government Code, and to add Section 9250.4 to the Vehicle Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

AB 1623, as amended, Klehs. ~~Alameda County Congestion Management Agency~~ *County transportation agencies*: congestion management and environmental mitigation fee.

Existing law provides for the imposition by air districts and other local agencies of fees on the registration of motor vehicles in certain areas of the state that are in addition to the basic vehicle registration fee collected by the Department of Motor Vehicles.

This bill would authorize the Alameda County Congestion Management Agency, *the Contra Costa Transportation Authority, the Transportation Authority of Marin, and the Napa County Transportation Planning Agency* to impose an annual fee of up to ~~\$4~~ \$5 on motor vehicles registered within ~~Alameda County~~ *those counties* for a program for the management of traffic congestion and the mitigation of environmental impacts of motor vehicles within that county. The bill would require the agency to have an independent audit performed on the program and to provide its findings to the Legislature. The bill would require a program with performance measures and a budget before the fee may be imposed. The bill would require the Department of Motor Vehicles, if requested, to collect the fee and distribute the proceeds, after deduction of specified

administrative costs, to the agency. The bill would require that the fees collected may only be used to pay for programs bearing a relationship or benefit to the motor vehicles paying the fee, and would require the agency to make a specified finding of fact by a 2/3 vote. The fee would terminate on ~~January 1, 2012~~ *10 years and 6 months after the effective date of the bill.*

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Chapter 2.66 (commencing with Section  
2 65089.20) is added to Division 1 of Title 7 of the Government  
3 Code, to read:

4  
5 CHAPTER 2.66. MANAGEMENT OF TRAFFIC CONGESTION AND  
6 ENVIRONMENTAL MITIGATION OF TRANSPORTATION IN ~~ALAMEDA~~  
7 ~~COUNTY~~ *ALAMEDA, CONTRA COSTA, MARIN, AND NAPA*  
8 *COUNTIES*  
9

10 65089.20. (a) ~~The Alameda County Congestion Management~~  
11 ~~Agency, which has been formed by the resolutions of the Board~~  
12 ~~of Supervisors of Alameda County and a majority of the city~~  
13 ~~councils within the county that represent a majority of the~~  
14 ~~population in the incorporated area of Alameda County, may~~  
15 ~~impose a fee of up to four dollars (\$4) on motor vehicles~~  
16 ~~registered within Alameda County. The agency may impose the~~  
17 ~~fee only if the board of the agency adopts a resolution providing~~  
18 ~~for both the fee and a corresponding program for the~~  
19 ~~management of traffic congestion and the mitigation of the~~  
20 ~~impacts of motor vehicles on the environment within Alameda~~  
21 ~~County as set forth in Sections 65089.21 to 65089.24, inclusive.~~  
22 ~~Adoption by the board requires a vote of approval by board~~  
23 ~~members representing two-thirds of the population of Alameda~~  
24 ~~County. As used in this chapter, "county transportation agency"~~  
25 ~~means the Alameda County Congestion Management Agency, the~~  
26 ~~Contra Costa Transportation Authority, the Transportation~~  
27 ~~Authority of Marin, and the Napa County Transportation~~  
28 ~~Planning Agency.~~

(b) A county transportation agency may impose a fee of up to five dollars (\$5) on motor vehicles registered within the county if the board of the county transportation agency adopts a resolution providing for both the fee and a corresponding program for the management of traffic congestion and the mitigation of the impacts of motor vehicles on the environment as set forth in Sections 65089.21 to 65089.24, inclusive. Adoption by the board requires a vote of approval by board members representing two-thirds of the population of the county.

~~(b)~~  
(c) A fee imposed pursuant to this section shall not become operative until ~~July 1, 2006~~, six months after the effective date of this section and pursuant to the resolution adopted by the board in subdivision ~~(a)~~ (b).

~~(e)~~  
(d) The authority to impose the fee shall terminate ~~on January 1, 2012, unless preauthorized by the Legislature~~ 10 years and six months after the effective date of this section.

65089.21. (a) The fees distributed to the county transportation agency pursuant to Section 9250.4 of the Vehicle Code shall be used for purposes of congestion management as specified in ~~its adopted congestion management program pursuant to~~ Section 65089, and for the purposes of the mitigation of the impacts of motor vehicles on the environment.

(b) (1) The fees collected may be used to pay for programs with a relationship or benefit to the motor vehicles that are paying the fee.

(2) Prior to imposing the fee, the board of the ~~association~~ county transportation agency shall make a finding of fact by a ~~2/3 vote~~ two-thirds of the authorized vote of the board of that county transportation agency that those programs bear a relationship or benefit to the motor vehicles that will pay the fee.

(c) The purpose of the congestion management program is to address motor vehicle congestion.

(d) Only the environmental mitigation programs that directly address the negative impact motor vehicle usage has on the environment, such as air pollution, and *pollution of* storm water runoff caused by motor vehicles and the infrastructure supporting motor vehicle travel, are eligible for funding.

(e) Not more than 5 percent of the fees distributed to the *county transportation* agency shall be used by the association for its administrative costs associated with the program.

65089.22. Prior to the imposition of the fee by the *county transportation* agency, a specific program with performance measures and a budget shall first be developed and adopted by the *county transportation* agency at a noticed public hearing.

65089.23. The *county transportation* agency shall have an independent audit performed on the specific program adopted pursuant to Section 65089.22 with the review and report provided to the board at a noticed public hearing.

65089.24. The *county transportation* agency shall provide a report to the Legislature on the specific program adopted pursuant to Section 65089.22 by July 1, ~~2008~~ 2011.

SEC. 2. Section 9250.4 is added to the Vehicle Code, to read:

9250.4. (a) The department shall, if requested by ~~the Alameda County Congestion Management Agency~~ a *county transportation* agency, collect the fee imposed pursuant to Section 65089.20 of the Government Code upon the registration or renewal of registration of any motor vehicle registered in the county, except those vehicles that are expressly exempted under this code from the payment of registration fees.

(b) ~~The~~ A *county transportation* agency shall pay for the initial setup and programming costs identified by the Department of Motor Vehicles through a direct contract with the department. Any direct contract payment by the *county transportation* agency shall be repaid, with no restriction on the funds, to the *county transportation* agency as part of the initial revenues distributed. Regular Department of Motor Vehicles collection costs shall be in accordance with subdivision (c). These costs shall not be counted against the 5-percent administration cost limit specified in subdivision (e) of Section 65089.21.

(c) After deducting all costs incurred pursuant to this section, the department shall distribute the revenues to the *county transportation* agency.

(d) As used in this section, ~~“agency”~~ “*county transportation agency*” means the Alameda County Congestion Management Agency, the Contra Costa Transportation Authority, the Transportation Authority of Marin, and the Napa County Transportation Planning Agency.

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